

**MAPLE GROVE COMMERCIAL PARK  
FOUR-UNIT SUBDIVISION FOR LEASE OR RENT AND  
ONE VARIANCE REQUEST**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS (BCC)**

**CASE PLANNER:** Jennifer De Groot *JD*

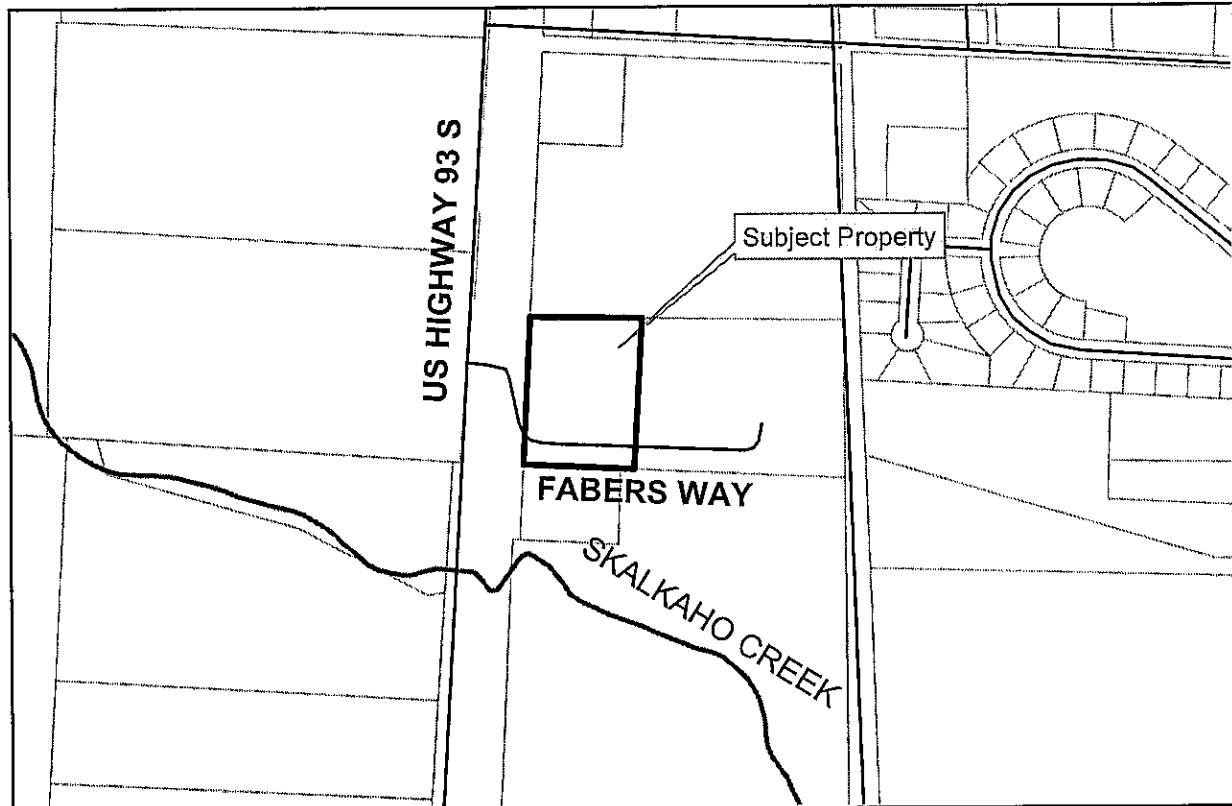
**REVIEWED/  
APPROVED BY:** Renee Van Hoven *RW*

**PUBLIC MEETING:** BCC Public Meeting: 11:00 a.m. September 13, 2007  
Deadline for BCC action: September 14, 2007

**SUBDIVIDER:** Ian Northcott  
106 Fabers Way  
Hamilton, MT 59840

**REPRESENTATIVE:** Bitterroot Engineering & Design  
John Horat  
1180 Eastside Highway  
Corvallis, MT 59828

**LOCATION OF REQUEST:** The property is located south of Hamilton off US Highway 93. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

A portion of the SW ¼ Section 6, T5N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on July 26, 2007. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 and A-8 of the staff report.

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked August 27, 2007.

**APPLICABLE  
REGULATIONS:**

The proposal is being reviewed under the Ravalli County Subdivision Regulations (RCSR), as amended May 24, 2007.

**DEVELOPMENT  
PATTERN:**

Subject property	Commercial Rural
North	Farmstead Rural
South	Residential Rural
East	Residential Rural
West	Agricultural Rural

**INTRODUCTION**

The Maple Grove Commercial Park subdivision for lease or rent is a four-unit commercial proposal on four acres located a little over one mile south of Hamilton. There are two existing commercial structures on the property. The property is approximately 330 feet from Skalkaho Creek. Due to horizontal separation from the creek and because the structures are elevated by fill, the subdivider was granted a floodplain analysis waiver from the Ravalli County Floodplain Administrator.

Concurrent with the subdivision proposal, the subdivider is requesting a variance from Section 5-4-5(d) and 5-4-4(h) of the RCSR, to allow the subdivider relief from improving Faber's Way to meet County standards. The subdivider is proposing to construct a paved parking lot, which will encompass Faber's Way, instead of building a County standard road. The subdivider is proposing to grant 30 feet of easement for Faber's Way instead of the 60 feet that is required by the Ravalli County Subdivision Regulations.

*Staff recommends conditional approval of the variance request and conditional approval of the subdivision.*

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
SEPTEMBER 13, 2007

MAPLE GROVE COMMERCIAL PARK  
FOUR-UNIT SUBDIVISION FOR LEASE OR RENT AND  
ONE VARIANCE REQUEST

**RECOMMENDED MOTIONS**

1. That the variance request from Section 5-4-5(a) and 5-4-4(h) of the RCSR, to allow the subdivider relief from improving Faber's Way to meet County standards be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.
2. That the Maple Grove Commercial Park subdivision for lease or rent be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION AND VARIANCE REQUEST**

1. A document entitled "Notifications to Future Property Owners and Renters" that includes the following notifications and attachments listed below shall be included in the submittal of the final plan to the Planning Department and filed with the Clerk & Recorder's Office. This notification document should also be included as part of a lease or rental agreement for future renters and/or lessees:

***Notification of Proximity to Agricultural Operations.*** This property is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the US Highway 93 frontage of this property, excepting the approved approach for the internal subdivision road. All units on this property must use this approved approach. This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation. *(Effects on Local Services and Public Health & Safety)*

***Notification of Road Maintenance Agreement.*** The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with the Clerk & Recorder's Office and outlines which parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

***Notification of Irrigation Facilities and Easements.*** On this property there are irrigation easements, as shown on the final plan. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plan shows the irrigation easements on the property. The downstream water rights holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right

to use the easements to maintain the ditches. (Include a reduced copy of the final plan as an exhibit) (*Prerequisites to Approval and Effects on Agricultural Water User Facilities*)

**Notification of Severe Soils.** On this property there are areas identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plan. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Effects on Public Health & Safety*)

**Notification of Proximity to Skalkaho Creek.** This property is located in close proximity to Skalkaho Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the stream channel. It is recommended that the lowest floor and utilities of all proposed structures be located a minimum of 2 feet above the natural grade and that the property owners of this subdivision obtain flood insurance. (*Effects on Public Health & Safety*)

**Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Painted Rocks Reservoir Dam.** The western portion of the property may be located within the dam inundation area for the Painted Rocks Reservoir Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). A map of the probable extent of the inundation area is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (*Effects on Public Health and Safety*)

2. The following protective covenants for this property shall be submitted with the final plan and filed with the Clerk & Recorder's Office. The subdivider should include a copy of the covenants with a rental or lease agreement for each unit. The covenants shall include the following provisions:

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

**Living with Wildlife.** (See Exhibit A-1 for required provisions.) (*Effects on Wildlife & Wildlife Habitat*)

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction on this property. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their buildings tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

**Control of Noxious Weeds.** A weed control plan has been filed in conjunction with this subdivision. The property owner shall control the growth of noxious weeds on the property. Contact the Ravalli County Weed District for further information. *(Effects on Agriculture and Natural Environment)*

**Recommended Building Standards.** The Hamilton Rural Fire District recommends that buildings on this property be built to International Residential Building Code (IRBC) building standards. For more information, contact the Hamilton Rural Fire District at PO Box 1994, Hamilton, MT 59840. *(Effects on Local Services and Public Health & Safety)*

**Commercial Use Only.** For as long as the interim zoning regulation recorded by the Ravalli County Commissioners as Resolution 2038 remains in effect, residential development shall be prohibited and the lot shall be used for commercial purposes exclusively. Upon the expiration of the emergency zoning regulation, this requirement shall cease. However, if the interim zoning ceases through the adoption of permanent zoning, those regulations shall then be in effect. *(Compliance with Applicable Zoning Regulations)*

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the Clerk & Recorder's Office that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. Prior to final plan approval, the subdivider shall provide evidence that a \$500-per-unit contribution has been made to the Hamilton Rural Fire District for the two new units (\$1,000) prior to final plat approval. Alternatively, the subdivider shall provide a letter from the Hamilton Rural Fire District stating that the subdivider has conducted an engineering study to determine fire flow and supplied the difference needed by the Hamilton Volunteer Fire Department. *(Effects on Local Services and Public Health & Safety)*
5. The final plan shall show a no-ingress/egress zone along the US Highway 93 frontage of the subdivision, excepting the approach for Faber's Way, as approved by the Montana Department of Transportation. *(Effects on Local Services and Public Health & Safety)*
6. The 60-foot wide easement for Faber's Way shall be labeled as a "public road and utility easement" on the final plan. *(Effects on Local Services)*
7. A stop sign shall be installed at the intersection of Faber's Way and US Highway 93 prior to final plan approval. *(Effects on Local Services and Public Health & Safety)*

8. The Road Maintenance Agreement for Faber's Way shall state that other parcels that may have beneficial use of the road shall be allowed to join as members of the agreement without the consent of the current members. *(Effects on Local Services)*
9. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plan approval. *(Effects on Local Services and Public Health & Safety)*
10. The subdivider shall provide for a 60-foot wide easement for Faber's Way along the southern boundary of the property from US Highway 93 to the eastern boundary of the subject boundary on the final plan and in a separate document filed with the Ravalli County Clerk and Recorder's Office. *(Effects on Local Services and Variance)*
11. The parking lot shall be constructed as proposed in the parking lot plans preliminarily approved by the Ravalli County Road and Bridge Department. The final parking lot plans and actual construction shall be approved by the Ravalli County Road and Bridge Department prior to final plan approval. *(Effects on Local Services and Variance)*
12. The subdivider shall file a formal easement with the Ravalli County Clerk & Recorder's Office for the proposed 10-foot irrigation easement along the northern property boundary. *(Prerequisites to Approval and Effects on Agricultural Water User Facilities)*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plan unless it is established by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. The preliminary plan indicates that existing utility easements are located along US Highway 93. Utility easements are proposed along the internal subdivision road.
2. Section 3-4-4(a)(ii) of the RCSR requires that the existing and proposed utility easements are shown on the final plan.

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plan and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subject property is accessed by US Highway 93 and the internal road (Faber's Way).
2. US Highway 93 is maintained by the Montana Department of Transportation.
3. Faber's Way is a private road within an existing 30-foot road easement accessed off US Highway 93. The road is located entirely on the subject parcel.

##### Conclusion of Law

Legal and physical access is provided on US Highway 93.

#### **C. Assures that all required public or private improvements will be installed before final plan approval, or that their installation after final plan approval will be guaranteed as provided by Section 3-4-2 of the RCSR.**

##### Findings of Fact

1. The subdivider is proposing to construct a parking lot, which will encompass Faber's Way. As a condition of variance approval, the subdivider shall construct the parking lot, as approved by the Ravalli County Road and Bridge Department, prior to final plan approval. (Variance)
2. Section 3-4-4(a)(xxvi) requires that the subdivider submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plan approval and certified by the subdivider prior to final plan approval.

##### Conclusion of Law

The final plan requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

#### **D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plan is submitted.**

##### Finding of Fact

The application states that the property has water rights from Skalkaho Creek, but that these rights will not be divided.

Conclusion of Law

Since the subdivider is not transferring ownership or water rights, this requirement has been met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plan is submitted.**

Findings of Fact

1. According to the application and the preliminary plan, there is a proposed 10-foot wide irrigation easement centered on an existing irrigation culvert that traverses the northern portion of the subdivision for lease or rent. The subdivider shall file a formal irrigation easement with the Clerk & Recorder's Office. (*Condition 12*)
2. Section 3-4-4(a)(ii)(V) requires that the irrigation easement be shown on the final plan.
3. The placement of structures or the planting of vegetation other than grass within the ditch easement is prohibited in 76-3-504(1)(k) MCA, without the written permission of the downstream water users. To meet this requirement, the subdivider shall place a notification in the Notifications Document that permission from the downstream water users is required for any alterations within the irrigation easement. (*Condition 1*)

Conclusion of Law

With the requirements of final plan approval and a condition requiring a notification that permission from the downstream water users is required for any alterations within the easement, this requirement will be met.

- F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Finding of Fact

The subdivider has requested a subdivision for lease or rent, meaning that the property will not be divided into separate lots. Section 6-1-5(b)(4) of the RCSR states that minor or major subdivisions where parcels are not created are exempt from parkland dedication/donation requirements.

Conclusion of Law

Parkland dedication/donation is not required, so this requirement is not applicable.

- G. Overall Findings and Conclusions on Prerequisite Requirements**

Finding of Fact

The preliminary plan and application materials appear to meet the requisite requirements.

Conclusion of Law

With the conditions and requirements of final plan approval, there is credible evidence that the subdivision application meets the prerequisite requirements.

**COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plan, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:



**A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

Findings of Fact

1. Section 5-1-9(a) of the Ravalli County Subdivision Regulations states: "When a lot(s) within an existing subdivision is further subdivided, the name of the subdivision shall remain the same as the parent subdivision and the lots shall be renumbered with a suffix or prefix as appropriate." The subdivider is proposing to call the subdivision for lease or rent Maple Grove Commercial Park. Because the final plan will only be filed at the Planning Department, this name will be acceptable for the final plan. However, any documents filed with the Clerk & Recorder's Office will need to refer to the proper legal description of the property, which is Faber Lots, Lot 1A.
2. The subdivider is requesting a variance from 5-4-5(a), to allow relief from constructing Faber's Way to meet County standards. Staff is recommending conditional approval of the variance. (See Variance Report)
3. The Ravalli County Planning Department has reviewed this proposal in compliance with the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. With the conditions and requirements of final plan approval for the subdivision and variance, the application will meet the design standards in Chapter 5.

Conclusions of Law

1. With the conditions and requirements of final plan approval for the subdivision and variance, the preliminary plan and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision, as outlined in Chapter 3 of the RCSR, have been followed.

**B. Applicable zoning regulations.**

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The subdivider has submitted a commercial covenant to restrict all uses within the subdivision for lease or rent to commercial use only. (*Condition 2*)
2. The property is not within one of the voluntary zoning districts in Ravalli County.

Conclusion of Law

With the condition requiring a commercial covenant, this proposal complies with existing zoning regulations.

**C. Existing covenants and/or deed restrictions.**

Findings of Fact

1. There are covenants on the property as listed in Book 213, Page 228 of the Ravalli County Clerk & Recorder's Office.
2. The restrictive covenants state the following:
  - Property use shall be for agriculture, residential, and "clean" commercial purposes only.
  - There shall be no commercial feedlot, pork or poultry operations, and no trailer park or commercial storage units, or residential mobile homes (except short term during residence construction).
  - Property shall be kept free from automobile or machinery salvage, or other unsightly practices which would detract from the beauty and environmental integrity of the property.
3. The application states that all the buildings will be used as professional offices, light industrial, and commercial or retail businesses. Therefore, the proposal would meet the requirements of the covenants.

#### Conclusion of Law

The proposed subdivision is in compliance with existing covenants.

#### **D. Other applicable regulations.**

##### Findings of Fact

1. Following are applicable regulations:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
- Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
- Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
- Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. The subdivider was made aware of the applicable regulations at the updated pre-application conference held on December 18, 2006.

#### Conclusion of Law

The application appears to meet all of the applicable regulations.

#### **E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

##### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### Findings of Fact:

1. The property is located approximately one mile south of the town of Hamilton off US Highway 93. According to the Montana Cadastral Database created by Montana Department of Administration Information Technology Services Division Geographic Information Services, the parcels surrounding the property are classified as agricultural rural, residential rural, or farmstead rural. From the Montana Cadastral Database, the 2004 aerial photograph, and preliminary plan, it appears that the parcels to the north, east, and west of the subdivision property may be used for agriculture.

*To mitigate impacts on agriculture, a notification of proximity to agricultural operations shall be included in the notifications document filed with the Ravalli County Clerk & Recorder's Office. (Condition 1)*

2. Approximately 75% of the property is covered with soils listed as Prime Farmland and Farmland of Statewide Importance by the Natural Resources Conservation Service (Source: U. S. Department of Agriculture, Natural Resources Conservation Service – 6/11/96). A list of the Prime Farmland Soils and Farmland of Statewide Importance is attached (Exhibit A-2). When the Faber Lots subdivision was platted in 1996, the preliminary plat decision noted that the property was in agricultural production. After 1996, the two created parcels were converted to residential uses. In 2003, a Certificate of Subdivision Approval from the Montana Department of Environmental Quality authorized a rewrite to allow for two commercial structures on the property. (Exhibit A-3) There are currently two structures on the property and the property is being used for commercial purposes.
3. The Planning Department received an approved Ravalli County Subdivision Noxious Weed Evaluation Form from the Ravalli County Weed District that states Canada Thistle, Spotted Knapweed, Common Tansy, and Houndstongue are located on the property. (Exhibit A-4) These are all considered Category 1 noxious weeds. According to MCA 7-22-2152, any person

proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. The subdivider will include a provision in the covenants that the owners of each lot control noxious weeds.

*To mitigate impacts on agriculture, a noxious weed control provision shall be included in the protective covenants filed with the final plan for this subdivision. (Condition 2)*

**Conclusion of Law:**

With the mitigating conditions of approval and requirements of final plan approval, impacts of the subdivision on agriculture will be reduced.

**CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

**Findings of Fact**

1. According to the application and the preliminary plan, there is a proposed 10-foot wide irrigation easement centered on an existing culverted irrigation ditch that traverses the northern portion of the property.

*Section 3-4-4(a)(ii)(V) requires that the 10-foot wide irrigation easement is shown on the final plan. To mitigate impacts on agricultural water user facilities, a notification stating that easements are on the property and downstream water users must approve relocations or alterations of the irrigation ditches will be filed with the Clerk & Recorder. In addition, the subdivider shall file a formal easement with the Ravalli County Clerk & Recorder's Office for the proposed 10-foot irrigation easement along the northern property boundary. (Conditions 1 and 12)*

2. According to the application, this property has water rights from Skalkaho Creek. The subdivider is proposing to retain all the water rights with the property.

**Conclusion of Law:**

With the mitigating conditions of approval and requirements of final plan approval, impacts on agricultural water user facilities will be reduced.

**CRITERION 3: EFFECTS ON LOCAL SERVICES**

**Findings of Fact:**

1. The subdivision is located within the Hamilton Rural Fire District. In a letter dated September 1, 2007 (Exhibit A-5), Lisa Wade, Secretary of the Hamilton Rural Fire District, stated that if the conditions listed below are met, the Fire District would not find any negative effects to provide fire protection to the property:
  - All buildings are requested to be built to IRBC code.
  - All roads and driving lanes in the subdivision are requested to have an unobstructed driving width of 20'. In addition, the District requests the roads in the subdivision be in compliance with County subdivision road requirements without variances.
  - Since it is a commercial subdivision the developer is requested to undertake an engineering study to determine the fire flow needed, taking into consideration the distance between the buildings, the building materials and possible use of a sprinkler system. Any development requiring more than 500 gallons per minute supplied by the Hamilton Volunteer Fire Department is requested to supply the difference. The water supply

installation, upkeep and maintenance will be the responsibility of the subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and/or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution of \$500 (Five Hundred Dollars) per lot, in lieu of the water supply required by NFPA 1. Payment of \$500.00 will be due upon approval of the subdivision.

If all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent).

2. Based on a conversation with John Horat, the subdivider's consultant, on August 29, 2007, the subdivider's preference is to provide a contribution of \$500-per-unit to the Hamilton Rural Fire District, excepting the two existing structures.
3. The preliminary plans submitted for the parking lot, which encompass Faber's Way, show that the driving lane for Faber's Way will have at least a 20-foot driving surface. According to a conversation with the subdivider's consultant, John Horat, on September 5, 2007, the driving lanes between the buildings will be at least 20 feet wide.

*The following conditions will mitigate impacts of the subdivision on the Fire District:*

- *A provision in the covenants recommends that all the buildings within the subdivision be built to International Residential Building Codes. (Condition 2)*
  - *The subdivider will provide a letter from the Hamilton Rural Fire District stating that a contribution of \$500-per-unit for the two new units (\$1,000 total) has been made prior to final plan approval. (Condition 4)*
  - *The parking lot shall be constructed as proposed in the parking lot plans preliminarily approved by the Ravalli County Road and Bridge Department. The final parking lot plans and actual construction shall be approved by the Ravalli County Road and Bridge Department prior to final plan approval. (Condition 11)*
4. The subdivider stated that he does not intend on making a voluntary contribution to the School District. Since this subdivision for lease or rent will result in four new commercial units and no residences will be created, no school contribution is warranted. The Hamilton School District has not submitted any comments regarding this proposal.
  5. A shared well and shared wastewater treatment system currently serves the two existing buildings on the property. An additional shared well and shared wastewater treatment system is proposed to serve the two additional units. The property is not near any municipal water or wastewater systems.
  6. The Ravalli County Sheriff's Office provides law enforcement services to this area. The Sheriff commented on this subdivision in a letter dated March 7, 2005. In the letter, he stated that the Sheriff's Office is having difficulty serving current residents in the County and that any new subdivisions would adversely affect his office from performing its duties. The subdivider is not proposing any mitigation.

*To mitigate impacts on the law enforcement, the subdivider shall submit an (amount-per-unit) contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plan approval. (Condition 9) (Staff Note: Since the current or planned level of service for the Sheriff's Office is unknown and the subdivider has not proposed any mitigation, Staff recommends the BCC negotiate an amount-per-unit with the subdivider.)*

7. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. No comments have been received from this entity.
8. Bitterroot Disposal provides service to this site.
9. The application states that Qwest and NorthWestern Energy will provide utilities to the new units. There is an existing public utility easement on US Highway 93 and an existing 30-foot wide road easement along Faber's Way.

*Section 3-4-4(a)(ii)(V) requires that the existing and proposed utility easements are shown on the final plan.*

10. There are two existing and two proposed commercial buildings planned for this property. It is estimated at build-out that these units will generate a total of 470 vehicular trips per day, assuming 11.4 trips per day per 1,000 square feet of office space.
11. US Highway 93 is a state-maintained road providing access to the subdivision. No improvements or pro rata payments are required for this highway leading to the subdivision.

*To mitigate impacts on the off-site road leading to the subdivision, the following conditions and requirement shall be met:*

- *Section 3-4-4(a)(xiii) requires that the subdivider submit an approved approach permit from the Montana Department of Transportation for the approach off Faber's Way because there will be a change in use.*
  - *The final plan shall show a no-ingress/egress zone along the US Highway 93 frontage of the subdivision, excepting the approach for Faber's Way, as approved by the Montana Department of Transportation. A notification of this limitation of access shall be included in the notifications document. (Conditions 1 and 5)*
12. The subdivider is proposing to construct a paved parking lot. Faber's Way will be part of the paved parking lot to provide access to the subdivision from US Highway 93. The developer has requested a variance from improving Faber's Way to meet County road standards, specifically from providing for a 60-foot wide easement and from meeting a few other minor road standards. The parking lot plans have received preliminary approval from RCRBD. A road name sign for Faber's Way currently exists at the road's intersection with US Highway 93.

*To ensure that future lot owners have adequate access and to mitigate impacts on local services, the following requirements and conditions shall be met:*

- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ, final parking lot plans and grading and storm water drainage plan, certification from an engineer that the parking lot plans meet the requirements and conditions of approval, and evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plan approval, as required by Section 3-4-4(a) of the RCSR prior to final plan approval.*
- *A preliminary road maintenance agreement was included in the application packet. The final plan application packet is required to include a road maintenance agreement for Faber's Way that meets the requirements of the Ravalli County Subdivision Regulations per Section 3-4-4(a)(xix). A notification of the road maintenance agreement shall be included in the notifications document filed with the Clerk & Recorder's Office. (Condition 1)*
- *The 60-foot wide easement for Faber's Way shall be labeled as a public road and utility easement on the final plan. (Condition 6)*
- *A stop sign shall be installed at the intersection of US Highway 93 and Faber's Way. (Condition 7)*

- *To avoid duplication of road maintenance between the future owner(s) of this property and other properties to the east or south, which may have access, the Road Maintenance Agreement for Faber's Way filed with the Clerk & Recorder's Office shall allow for other properties that have beneficial use of the internal subdivision road to be included as parties to this agreement without the consent of the property owners within this lot. (Condition 8)*
- *The subdivider shall provide for a 60-foot wide easement for Faber's Way on the final plan and file a separate easement agreement with the Clerk & Recorder's Office stating that the 60-foot wide easement is granted. (Condition 10)*

13. The property currently has four separate addresses to serve the four existing and proposed units off Faber's Way.

14. There are not currently any known RSID/SID districts affecting this property.

*To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plan shall address these services/facilities. (Conditions 2 and 3)*

15. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-6). The subdivider has already placed a cement slab capable of holding two CBUs on the property. One CBU is present on the slab and appears to be serving the existing buildings.

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

1. There is presently a well and wastewater treatment facility on the property serving the two existing commercial units. The subdivider is proposing another shared well and shared wastewater treatment facility for the two proposed buildings. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur (Exhibit A-7).

*Section 3-4-4(a)(ix) requires a DEQ Certificate of Subdivision Approval prior to final plan approval.*

2. The property is located approximately 330 horizontal feet from Skalkaho Creek and 1,400 horizontal feet from the Bitterroot River floodplain. (See *Effects on Public Health & Safety*)
3. The addition of buildings in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution.

*To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

4. The Planning Department received an approved Ravalli County Subdivision Noxious Weed Evaluation Form from the Ravalli County Weed District that states Canada Thistle, Spotted Knapweed, Common Tansy, and Houndstongue are located on the property. (Exhibit A-4)

These are all considered Category 1 noxious weeds. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. The subdivider will include a provision in the covenants that the owners of each lot control noxious weeds.

*To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the Clerk & Recorder's Office. (Condition 2)*

5. Both the State Champion Tree and Palish Sedge were identified by the Montana Natural Heritage Program as plant species of concern within the same section as the subject property, but because there were no signs of the plants present on the property, the subdivider requested and received a waiver from the requirement to submit a sensitive species report.

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plan approval.

**CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

Findings of Fact:

1. Recommendations and comments from Fish, Wildlife & Parks from a letter dated April 5, 2005, (Exhibit A-1) are summarized as follows:
  - a) The property is located in close proximity to the Bitterroot River, Skalkaho Creek, and their riparian areas.
  - b) These riparian areas are usually used heavily by wildlife as habitat and linkage between habitat corridors.
  - c) Living with wildlife provisions should be included in a development covenant to owners and should be provided to potential renters, perhaps as part of a rental agreement.

*To minimize impacts of the subdivision on wildlife habitat, the following conditions shall be met:*

- *Living with wildlife provisions shall be included in the covenants. (Condition 2)*
- *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

2. Both the Westslope Cutthroat Trout and Bull Trout were identified by the Montana Natural Heritage Program as species of concern within the same section as the subject property. Because there are no streams or creeks on the property, the subdivider requested and received a waiver from the requirement to submit a sensitive species report.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, impacts on wildlife & wildlife habitat will be reduced.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

Findings of Fact:

1. The subdivider is proposing to pave a parking lot to serve the development. Faber's Way will be paved as part of the parking lot. This proposal will meet some, but not all, County road standards. (See *Effects on Local Services* and *Variance Report*)

*To mitigate impacts on traffic safety, the following conditions and requirements shall be met:*

- *Section 3-4-4(a)(xiii) requires that the subdivider submit an approved approach permit from MDT for the approach off US Highway 93 onto Faber's Way.*
  - *The final plan shall show a no-ingress/egress zone along the US Highway 93 frontage of the subdivision, excepting the approach for the internal road, as approved by the Ravalli County Road and Bridge Department. A notification of this limitation of access shall be included in the notifications document. (Conditions 1 and 5)*
  - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ, final parking lot plans and grading and storm water drainage plan, certifications from an engineer that the constructed parking lot meets the requirements and conditions of approval, a signed/notarized road maintenance agreement for Faber's Way, and evidence that road improvements have been made in accordance with the conditions of approval and requirements of final plan approval are required by Section 3-4-4(a) of the RCSR prior to final plan approval.*
  - *A stop sign shall be installed at the intersection of US Highway 93 and Faber's Way. (Condition 7)*
2. *There are four addresses assigned to the subject property and will suffice to serve the two existing and two proposed units.*
  3. *The proposed subdivision for lease or rent will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, and the Marcus Daly Memorial Hospital EMS Department. (See Effects on Local Services)*

*To mitigate impacts on emergency providers, the following conditions shall be met:*

- *A provision in the covenants shall recommend that all the buildings within the subdivision be built to International Residential Building Codes. (Condition 2)*
  - *The subdivider shall provide a letter from the Hamilton Rural Fire District stating that a contribution of \$500-per-unit for the two new units has been made prior to final plan approval. (Condition 4)*
  - *To mitigate impacts on the law enforcement, the subdivider shall submit an (amount-per-unit) contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plan approval. (Condition 9) (Staff Note: Since the current or planned level of service for the Sheriff's Office is unknown and the subdivider has not proposed any mitigation, Staff recommends the BCC negotiate an amount-per-unit with the subdivider.)*
4. *The property consists of two commercial buildings which are utilizing a well and wastewater treatment system. The subdivider is proposing to serve the two additional units with a shared well and wastewater facility. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur (Exhibit A-7).*

*Section 3-4-4(a)(ix) requires a DEQ Certificate of Subdivision Approval prior to final plan approval.*

5. *The preliminary plan and soils map indicate that the subdivision may have soils rated as severe for road and building construction.*



*To educate property owners and to mitigate potential impacts of this subdivision on public health & safety, a notification of the potential for severe soils shall be included in the notifications document filed with the Clerk & Recorder. A reduced plan showing the approximate locations of soils rated as severe for roads and building construction and descriptions of the severe soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*

6. The property is located approximately 330 horizontal feet from Skalkaho Creek, which drains an area greater than 15 square miles. The subdivider submitted a floodplain analysis waiver that was granted on February 27, 2007. However, the Ravalli County Floodplain Administrator noted the following items:

- The property is separated from Skalkaho Creek by Faber's Way.
- The existing structures appear to be elevated by fill.
- The lowest floor and utilities of all the proposed structures should be located a minimum of 2 feet above the natural grade.
- The subdivider is encouraged to purchase flood insurance.

*To mitigate impacts on public health and safety, the notifications document filed with the Clerk & Recorder's Office will include a notification of proximity to Skalkaho Creek. (Condition 1)*

6. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. *(Condition 2)*
7. There is a prevalence of radon in the County and to mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. *(Condition 2)*
8. The property may be located within the Painted Rocks Dam Inundation Area. The mapping of dam inundation areas is based on extremely rough data and may be off by approximately 0.5 mile in any direction.

*To inform future property owners and to mitigate potential impacts of the subdivision on public health and safety, Staff recommends a notification of the dam inundation area be included in the Notifications document filed with the Clerk & Recorder's Office and that the notification include an exhibit showing the probable extent of the inundation area. (Condition 1)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plan approval will address impacts on public health & safety.

## **VARIANCE REQUEST**

The subdivider requested a variance from Section 5-4-5(a) and 5-4-4(h) of the RCSR, to relieve the subdivider from improving Faber's Way to meet County road standards, which include a requirement for a 60-foot wide road easement. The current easement width for Faber's Way is 30 feet and the subdivider does not want to grant an additional 30 feet. The subdivider is proposing to construct a paved parking lot, which will encompass Faber's Way, instead of building a County standard road. The Ravalli County Subdivision Regulations do not have standards pertaining to parking lots.

### **Variance Review Criteria – Part 1**

In reviewing the variance request, Section 7-3-5(a) states the BCC shall first determine the following:

#### **A. Strict compliance with these regulations will result in undue hardship.**

##### **Findings of Fact:**

1. The subdivider is proposing to pave a parking lot to serve the four units within the Maple Grove Commercial Subdivision for Lease or Rent. The parking lot will meet the County standards for surface, base, and subbase, but will not technically be a road.
2. Faber's Way is a road within a 30-foot wide easement that traverses through the subject property to access the adjacent parcel to the east. Faber's Way will be paved as part of the parking lot.
3. The Ravalli County Subdivision Regulations do not include provisions for parking lots.
4. The subdivider does not provide want to provide an additional 30 feet of easement because he believes that the easement width should be negotiated between him and his neighbor to the east.

##### **Conclusions of Law:**

1. The requirement that the subdivider provide for a 60-foot road easement for Faber's Way is not an undue hardship.
2. Because there are no standards in place for parking lots, constructing Faber's Way to be a County standard road within a parking lot is a hardship.

#### **B. Compliance is not essential to the public welfare.**

##### **Findings of Fact:**

1. The parking lot will meet applicable road standards (surface, base, subbase).
2. The Ravalli County Subdivision Regulations require 60-foot wide easements to provide for future development and road improvements.

*To mitigate impacts of granting this variance on the public welfare, the subdivider shall provide for a 60-foot wide easement for Faber's Way along the southern boundary of the property from US Highway 93 to the eastern boundary of the subject property. (Condition 10)*

##### **Conclusion of Law:**

With the mitigating condition, improving Faber's Way to meet County standards is not essential to the public welfare.

#### **C. Overall Findings and Conclusions on Hardship and Public Welfare**

##### **Findings of Fact**

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

#### Conclusion of Law

The variance application provides evidence that there is an undue hardship and that compliance with the RCSR is not essential to the public welfare.

#### **Variance Review Criteria – Part 2**

Section 7-3-5(a) states that the BCC shall first determine whether or not there is a hardship or compliance with the RCSR is essential to public welfare. Following this determination, the BCC shall not approve the variance application unless it makes an overall positive finding on the criteria listed below. Staff concluded that the variance application does provide evidence there is an undue hardship and that compliance with the RCSR is not essential to the public welfare. The following criteria were used in making that determination:

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### Findings of Fact:

1. The subdivider is proposing to pave a parking lot that encompasses Faber's Way. Parking lot plans were submitted and approved by the Ravalli County Road and Bridge Department.
2. In email correspondence dated August 14, 2007 (Exhibit A-8), Ravalli County Road Superintendent David Ohnstad stated: "The design submitted for this project is accepted as meeting the adopted county roadway design standards. While this is not a typical 'roadway', the design incorporates the same design criteria as a roadway. The typical cross section (structural elements) submitted would be substantiated through pavement design (final design), just as with a roadway, and the geometric elements are addressed in the elevation and storm drainage design."
3. The existing 30-foot easement for Faber's Way does not meet the 60-foot easement required by the Ravalli County Subdivision Regulations.
4. The subdivider does not want to provide an additional 30 feet of easement because he believes the easement width should be a result of negotiations between him and the neighbor to the east.

*To mitigate impacts of granting the variance on public health and safety, and adjoining properties, the following conditions shall be met prior to final plan approval:*

- *Condition 10: The subdivider shall provide for a 60-foot easement for the entire length of Fabers Way as it traverses the property on the final plan and in a separate document filed with the Clerk and Recorder's Office.*
- *Condition 11: The parking lot shall be constructed as proposed in the parking lot plans preliminarily approved by the Ravalli County Road and Bridge Department. The final parking lot plans and actual construction shall be approved by the Ravalli County Road and Bridge Department prior to final plan approval.*

#### Conclusion of Law:

With the mitigating conditions, the granting of the variance will not be detrimental to public health and safety, general welfare, and/or adjoining properties.

#### **B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

##### Findings of Fact:

1. Faber's Way currently has a 30-foot wide easement leading to a property to the east.
2. The subdivider is proposing to construct a parking lot encompassing Faber's Way.
3. The Ravalli County Subdivision Regulations do not have standards for parking lots.
4. The subdivider stated in the variance request that "what is considered a road in the Subdivision Regulations will functionally be part of a parking lot/access driveway."

Conclusion of Law:

The conditions appear to be unique.

- C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Finding of Fact:

The physical conditions of the property do not prevent the granting of a 60-foot road easement or construction of a County standard road.

Conclusion of Law:

The variance request does not meet this criterion.

- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038. The zoning regulations in effect do not have any relevance on this variance request.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

***Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.***

***Countywide Policy 4.4: Improve and maintain existing infrastructure and public services.***

***Countywide Policy 4.5: Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.***

- To ensure that the subdivider is providing for necessary infrastructure, the parking lot shall be constructed as approved by the Road and Bridge Department, and a 60-foot wide easement for Faber's Way shall be provided. *(Conditions 10 and 11)*

***Countywide Goal 6: Promote and encourage a vibrant, sustainable, healthy economic environment that recognizes existing businesses and attracts new entrepreneurs.***

***Countywide Policy 6.2: Support and encourage quality design and planning for more aesthetic commercial business development.***

***Countywide Policy 6.3: Support development of business parks.***

- The subdivider is proposing a parking lot and landscaping. The granting of this variance will allow for the parking lot and landscaping plan to be completed.

Conclusions of Law:

1. The subdivision proposal complies with applicable zoning regulations, but the zoning regulations are not relevant to the variance request.
2. With the mitigating conditions, provisions in the Growth Policy support the granting of the variance.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The portion of the parking lot that is technically considered Faber's Way will be privately-maintained by the property owner until such time as the County elects to assume maintenance responsibilities.
2. Mitigating conditions will prevent impacts of granting the variance on public costs.  
(Conditions 10 and 11)

Conclusion of Law:

With the recommended conditions, impacts of granting the variance on public costs have been addressed.

Jennifer Degroot

---

**From:** Rose, Sharon [shrose@mt.gov]  
**Sent:** Friday, February 16, 2007 1:44 PM  
**To:** Jennifer Degroot  
**Cc:** john@brengineer.myrf.net  
**Subject:** Maple Grove (a.k.a. Faber, Lot 1)

**Attachments:** Faber, Lot 1A, commercial.doc



Faber, Lot 1A,  
commercial.doc ...

Hi Jennifer.

We received your agency notice on this commercial subdivision. We will stick w/ our original comments (attached), although I've made a minor change (in red) to our 2005 comments in order to reference our website. Thanks.

Sharon @ FWP



## **Montana Fish, Wildlife & Parks**

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
April 5, 2005

John Horat  
Bitterroot Engineering & Design, Inc.  
1180 Eastside Hwy  
Corvallis, MT 59828

Dear Mr. Horat:

Reference: Faber, Lot 1A (Maple Grove Business Park)--Proposed one-lot subdivision  
for lease or rent, south of Hamilton

We have reviewed the preliminary plat for this subdivision, and our comments follow.

Although located along US Highway 93, this proposed subdivision is within about one-half mile of the Bitterroot River and nearly adjacent to Skalkaho Creek, and is located even closer to the extensive riparian areas and wetlands associated with these streams. These riparian areas are usually heavily used by wildlife as both habitat and as linkage for movement between habitats, and there is a relatively high potential of human/wildlife interactions in this location. In particular, wildlife such as white-tailed deer, fox and skunks are found in the area, as well as occasional black bear and the potential for mountain lion. Although this is a commercial subdivision, we encourage conveying some basic "living with wildlife" guidelines to owners (in the form of a development covenant) and to potential renters (perhaps as part of rental agreements or contracts), in order to help them deal with and avoid potential wildlife issues.

Attached is our recommended version of such covenants. Please contact Sharon Rose at our office (542-5540; [shrose@state.mt.us](mailto:shrose@state.mt.us)) if you would like an electronic version of these comments. Thank you for providing the opportunity for MFWP to comment on this subdivision.

Sincerely,

*/s/ Mack Long*

Mack Long  
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, 215 S. 4 St., Ste. F, Hamilton, MT 59840

## **Section \_\_: Living with Wildlife**

Owners and/or renters (hereafter, "residents") in this subdivision must accept the responsibility of living with wildlife, and must be responsible for protecting their vegetation from damage, as well as properly storing garbage and other potential attractants. Residents must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bears, foxes, raccoons or skunks. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help residents "live with wildlife." The following covenants are designed to help minimize problems that residents could have with wildlife, as well as helping residents protect themselves, their property and the wildlife that Montanans value.

1. Residents must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, flowers, ornamental shrubs and trees in this subdivision. Residents should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc.
3. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, residents should be aware that deer could potentially attract mountain lions to the area.
4. If **pets** are allowed on site, they must be confined to buildings, in a fenced yard, or in an outdoor kennel area, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124). **Pet food** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, skunks, etc. When feeding pets do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your buildings.
5. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.



Appendix K

Prime Farmland Soils and Noxious Weeds

PRIME FARMLAND SOILS

(As may be amended by the Natural Resources Conservation Service)

Map Symbol	Soil Name
Aa	Adel loam, level
Ab	Adel loam, gently sloping
Ah	Amsterdam silt loam, level
Ak	Amsterdam silt loam, gently sloping
B3b	Burnt Fork gravelly loam, level
B3c	Burnt Fork gravelly loam, gently sloping
B3d	Burnt Fork gravelly loam, sloping
B3f	Burnt Fork loam, level
B3g	Burnt Fork loam, gently sloping
Bn	Bitterroot silt loam, level
Bo	Bitterroot silt loam, gently sloping
C3p	Corvallis silt loam
Cf	Charlos loam, gently sloping
Ck	Charlos silt loam, level
Cl	Charlos silt loam, gently sloping
G2n	Grantsdale loam, level
G2o	Grantsdale loam, gently sloping
G2w	Greely sandy loam, level
G2x	Greely sandy loam, gently sloping
G2y	Greely sandy loam, sloping
Ga	Gallatin loam, drained, level
Gb	Gallatin loam, drained, gently sloping
Gd	Gallatin silt loam, level
Ge	Gallatin silt loam, gently sloping
Gf	Gallatin silty clay loam, level
Gi	Gird fine sandy loam, sandy subsoil variant, gently sloping
Gt	Gird silt loam, high lime subsoil variant, gently sloping
Ha	Hamilton fine sandy loam, level
Hb	Hamilton fine sandy loam, gently sloping
Hc	Hamilton silt loam, level
Hd	Hamilton silt loam, gently sloping
He	Hamilton-Corvallis sandy loams, level
Hf	Hamilton-Corvallis silt loams, level
Ka	Kenspur fine sandy loam
L2g	Lolo gravelly loam, level
L2h	Lolo gravelly loam, gently sloping
Ma	Maiden-Gird silt loams, gently sloping
S2g	Slocum loam
S2h	Slocum loam, deep
S3a	Sula silt loam, level
S3b	Sula silt loam, gently sloping

Appendix K

Prime Farmland Soils and Noxious Weeds

FARMLAND OF STATEWIDE IMPORTANCE  
(As may be amended by the Natural Resources Conservation Service)

Map Symbol	Soil Name
Ac	Adel loam, sloping
Al	Amsterdam silt loam, sloping
AO	Amsterdam-Haecke silt loams, sloping
B3h	Burnt Fork loam, sloping
C3p	Corvallis silt loam
Ga	Gallatin loam, drained, level
Gb	Gallatin loam, drained, gently sloping
Go	Gird silt loam, sloping
Gu	Gird silt loam, high lime subsoil variant, sloping
Ld	Larry clay loam, drained, level
Le	Larry clay loam, drained, gently sloping
Lk	Larry silt loam, drained, level
Lm	Larry silt loam, drained, gently sloping
Gt	Gird silt loam, high lime subsoil percent, gently sloping

Source: U.S. Department of Agriculture, Natural Resources Conservation Service- 6/11/96

NOXIOUS WEEDS

Common Name	Scientific Name
Canada Thistle	( <i>Cirsium arvense</i> )
Field Bindweed	( <i>Convolvulus arvensis</i> )
Whiteweed or Hoary Cress	( <i>Cardia draba</i> )
Leafy Spurge	( <i>Euphorbia esula</i> )
Russian Knapweed	( <i>Centaurea repens</i> )
Spotted Knapweed	( <i>Centaurea maculosa</i> )
Diffuse Knapweed	( <i>Centaurea diffusa</i> )
Dalmatian Toadflax	( <i>Linaria dalmatica</i> )
St. Johnswort	( <i>Hypericum perforatum</i> )
Dyers Woad	( <i>Isatis tinctoria</i> )
Purple Loosestrife or Lythrum	( <i>Lythrum salicaria</i> , <i>L. virgatum</i> ) and any hybrid crosses thereof
Sulfur (Erect) Cinquefoil	( <i>Potentilla recta</i> )
Yellow Starthistle	( <i>Centaurea solstitialis</i> )
Common Crupina	( <i>Chondrilla vulgaris</i> )
Rush Skeletonweed	( <i>Chondrilla juncea</i> )

Source: Administrative Rules of Montana Section 4.5.202 to 4.5.204

## EXHIBIT A-3

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CERTIFICATE OF SUBDIVISION APPROVAL  
((Section 76-4-101 et seq., MCA))

TO: County Clerk and Recorder  
Ravalli County  
Hamilton, Montana

E.Q. #04-1035

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Faber Lots, Lot 1A Rewrite**, a tract of land located in the Southwest ¼ of Section 6, Township 5 North, Range 20 West, P.M.M., Ravalli County, Montana,

consisting of 1 (one) lot has been reviewed by personnel of the Permitting and Compliance Division, and,

THAT this Certificate supercedes Certificate No. EQ 97-1123 dated the 15<sup>th</sup> day of August, 1996, and EQ 97-1123a dated the 31<sup>st</sup> of August, 2000, for Lot 1A only, and all previous copies should be marked superceded or removed from files, and,

THAT the documents and data required by Section 76-4-101 through 76-4-135, MCA 2001 and the rules of the Department of Environmental Quality made and promulgated pursuant thereto have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Lot 1A shall be used for two commercial buildings, and,

THAT when the existing water supply system is in need of extensive repairs or replacement it shall be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the two commercial buildings shall generate residential strength wastewater only and shall not generate more than 375 gpd total combined wastewater flow, and,

THAT the existing sewage treatment system consists of a Norweco brand individual package treatment plant followed by a shallow-capped drainfield, and,

THAT the effluent from the packaged treatment plant shall be sampled annually for nitrate, nitrite, ammonia, Total Kjeldahl nitrogen (TKN), BOD, TSS, fecal coliform, specific conductance, and temperature as specified by the Department of Environmental Quality for nutrient reduction wastewater treatment systems, and,

THAT the total nitrogen effluent concentration from the package treatment shall not exceed 24 mg/L, and,

Ret  
Tan Northcott  
106 Fabers Way  
Hamilton MT 59840  
Plat 714020

Page 2 of 3  
Faber Lots  
Ravalli County  
EQ # 04-1035

THAT monitoring shall be conducted for three (3) years, and,

THAT monitoring shall be performed by a qualified individual (defined as a registered sanitarian, engineer, soil scientist, biologist, or an individual with laboratory experience) that is not the lot owner, and,

THAT if any treatment plant system violates the aforementioned criteria then those systems must be improved or replaced with a system that has been reviewed and approved by both the Ravalli County Health Department and the Department of Environmental Quality, and,

THAT all monitoring results shall be submitted to both the Ravalli County Health Department and the Department of Environmental Quality within 30 days of the qualified individual receiving results from the laboratory, and,

THAT the annual average for fecal coliform from the packed treatment plant shall not exceed 500 per 100 milliliters, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any water supply source, and,

THAT water supply, wastewater treatment, and storm drainage systems will be located as shown on the approved plans, and,

THAT plans and specifications for any proposed water and individual sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide any purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

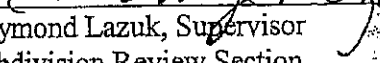
Page 3 of 3  
Faber Lots  
Ravalli County  
EQ # 04-1035

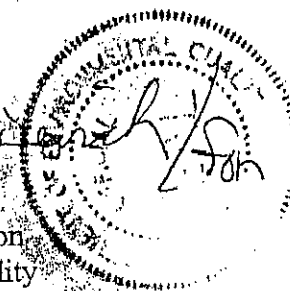
YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 28th day of October, 2003.

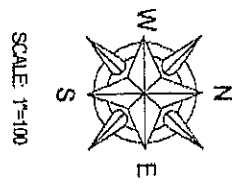
JAN P. SENSIBAUGH  
DIRECTOR

By:

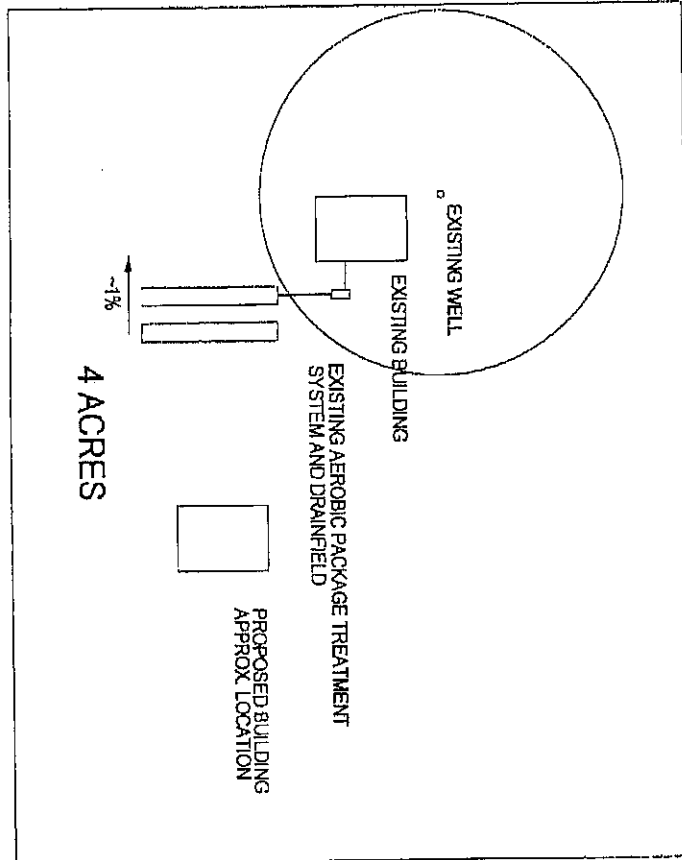
  
Raymond Lazuk, Supervisor  
Subdivision Review Section  
Permitting and Compliance Division  
Department of Environmental Quality



Owner's Name: Ian Northcott



US HWY 93



LOT 1A FABER LOT

**APPROVED**  
Montana Department of  
Environmental Quality  
Permitting and Compliance Division  
*Heidi J. Stewart* 11/7/03  
Reviewer Date

EQ# 04 - 1035

AUG 27 2007

10-07-08-1073

Ravalli County Planning Dept.

Sent 7/15/07  
To Weed Board

COMPLETED

COPY

## Ravalli County Subdivision Noxious Weed Evaluation Form

[For all subdivisions in Ravalli County Reviewed by the Ravalli County Planning Board]

To prevent the spread of noxious weeds and in compliance with the County Noxious Weed Control Act, The Ravalli County Weed Board holds that it is unlawful to allow noxious weeds to propagate or go to seed... 7-22-2116 and 7-22-2152 M.C.A. 2001.

Prior to preliminary plat approval, a Ravalli County Subdivision Noxious Weed Evaluation Form must be completed and submitted to the Ravalli County Weed District/Board for their review and approval. Upon the existence of Category 2 or 3 noxious weeds, the Ravalli County Weed District may require all or part of the proposed subdivision to be treated prior to final approval of the proposed subdivision. Upon approval by the District, this plan must be signed by the Weed District Supervisor or an appointed District representative in cooperation with the Landowner/Cooperator responsible for the subdivision and constitutes a binding agreement between the District/Board and the Landowner/Cooperator.

### A. THE FOLLOWING IS A WEED EVALUATION FOR:

Subdivision Name: MAPLE GROVE

Location: FABER WAY & US 93 SOUTH

Legal description: 1/4, SE 1/4, Sec. 6 T. 5 N/S, R. 20 EAD

Acres & # of Lots: 4 BUILDINGS ON 4 ACRES

### A PLAT MAP MUST BE INCLUDED WITH THIS EVALUATION

#### CATEGORY 1:

Noxious Weeds Present: ☒

- |  |  |   |  |
|--|--|---|--|
| <input checked="" type="checkbox"/> Canada Thistle | <input checked="" type="checkbox"/> Common Tansy     | <input type="checkbox"/> Dalmatian Toadflax | <input type="checkbox"/> Diffuse Knapweed  |
| <input type="checkbox"/> Field Bindweed            | <input checked="" type="checkbox"/> Houndstongue     | <input type="checkbox"/> Leafy Spurge       | <input type="checkbox"/> Ox-eye Daisy      |
| <input type="checkbox"/> Russian Knapweed          | <input checked="" type="checkbox"/> Spotted Knapweed | <input type="checkbox"/> St Johnswort       | <input type="checkbox"/> Sulfur Cinquefoil |
| <input type="checkbox"/> Whitetop                  | <input type="checkbox"/> Yellow Toadflax             | <input type="checkbox"/> Hoary Alyssum      |  |

Size of Infestations: EXTREMELY MINIMAL - OWNER WILL SPRAY FOR BROADLEAF WEEDS.

#### CATEGORY 2 & 3:

Noxious Weeds Present: ☒

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Orange Hawkweed   | <input type="checkbox"/> Perennial Pepperweed | <input type="checkbox"/> Purple Loosestrife | <input type="checkbox"/> Saltcedar              |
| <input type="checkbox"/> Tall Buttercup    | <input type="checkbox"/> Tansy Ragwort        | <input type="checkbox"/> Common Crupina     | <input type="checkbox"/> Eurasian Watermillfoil |
| <input type="checkbox"/> Rush Skeletonweed | <input type="checkbox"/> Yellow Starthistle   | <input type="checkbox"/> Yellow Flag Iris   | <input type="checkbox"/> Blueweed               |
| <input type="checkbox"/> Japanese Knotweed | <input type="checkbox"/> Flowering Rush       | <input type="checkbox"/> Hawkweed Complex   |   |

Size of Infestations: NONE

Landowner and/or contractor responsibility information:

Name, Address and Phone number of Landowner:

Name: IAN NORTHCOTT

Address: 184 Sleeping Child Dr

City, State & Zip: Hamilton MT 59840

Phone: 313 0906 Cell: [optional] \_\_\_\_\_

E-Mail: [optional] northcottianstr@gmail.com

Landowner Signature: 

Date: 25 Jun 07

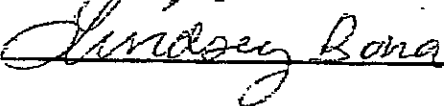
Landowner Signature of amendments to Form: 

Date: 25 Jun 07

Comments and or amendments from the Ravalli County Weed District/Board:

Occasional hornd's tongue, common fanny along  
entire north boundary.

APPROVED ☒ OR DISAPPROVED ☐ RAVALLI COUNTY WEED DISTRICT:

 DATE \_\_\_\_\_

Mail to: Ravalli County Weed District  
329 Stevi Airport RD  
Stevensville, MT. 59870  
Phone # (406) 777-5842



**H**amilton  
Rural Fire  
DISTRICT

SEP 04 2007  
IC-07-09-1130  
Ravalli County Planning Dept

Post Office Box 1994 Hamilton, MT 59840

September 1, 2007

Jennifer de Groot, Project Planner  
Ravalli County Planning Department  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

**RE: Agency comment on Maple Grove Commercial Park Subsequent Minor  
Subdivision for Lease or Rent**

The Hamilton Rural Fire District can provide adequate fire protection to the subdivision if the following conditions are met (as outline in our letter dated March 7, 2007):

- 1) All buildings are requested to be built to IRBC code.
- 2) All roads and driving lanes in the subdivision are requested to have an unobstructed driving width of 20'. In addition, the District requests the roads in the subdivision be in compliance with County subdivision road requirements without variances.
- 3) Since it is a commercial subdivision the developer is requested to undertake an engineering study to determine the fire flow needed, taking onto consideration the distance between the buildings, the building materials and possible use of a sprinkler system. Any development requiring more than the 500 gallons per minute supplied by the Hamilton Volunteer Fire Department is requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and/or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision.

If all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent).

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are additional variances, if the information provided is inaccurate in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Wade". The signature is written in dark ink and is positioned in the center of the page.

Lisa Wade  
Secretary

# EXHIBIT A-6

Randy Fifrick

---

**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Fifrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

Thanks,

*Randy Ffrick*  
*Ravalli County Assistant Planner*  
*215 S 4th St, Suite F*  
*Hamilton, MT 59840*  
*406-375-6530*  
*rffrick@ravallicounty.mt.gov*

BIG SKY DISTRICT  
GROWTH MANAGEMENT

RECEIVED

JUN 13 2007

Reavall County Planning Dept.



UNITED STATES  
POSTAL SERVICE

10-07-06-729

June 8, 2007

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District



**Auth-Florence  
Manufacturing**

5995 Corporate Drive, Manhattan, KS 66503  
Phone: 800-275-1747 • Fax: 800-275-5081  
Web: www.auth-florence.com

**A USPS STRATEGIC PARTNER**

**NEW FOR 2005**

## Auth-Florence Security Upgrade Kits Now Available MODEL NUMBERS & SPECIFICATIONS

### 1250 *vertical mailboxes*

#### MOUNTING

- Surface-mounted

#### DOOR SIZE

- 16" H x 5-1/2" W

#### COMPARTMENT SIZE

- 16-1/2" H x 5" W x 6" D

#### STANDARD FINISHES

- Anodized aluminum

#### LOCKS

- 5-pin cylinder locks with 2 keys

#### DOOR IDENTIFICATION

- Boxes must be identified from left to right in numerical or alphabetical order
- Tenant name card holder standard

#### OPTIONAL FEATURES

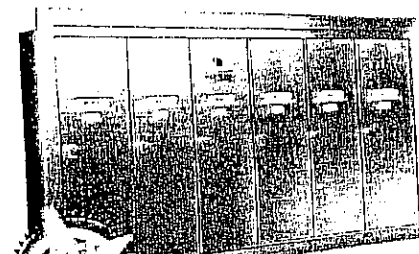
- Directory required in installations with 15 or more mailboxes

- Doorbell pushbuttons

- Engraved door

#### USPS APPROVED

- Auth-Florence Vertical Mailboxes are approved by the United States Postal Service to Standard 4B+



**12506HA  
6 Tenant  
Mailboxes**

**USPS  
APPROVED**

#### Vertical Mailbox Model Numbers

Number of Compartments	Model Number
3	12503HA
4	12504HA
5	12505HA
6	12506HA
7	12507HA

### 1400/2600 *horizontal mailboxes*

#### STANDARD FEATURES

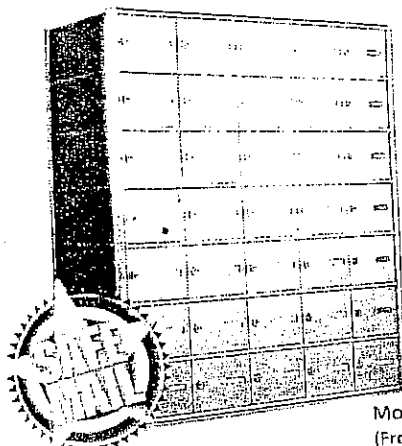
- Grouped in combinations of 5, 6 or 7 compartments high and 3, 4 or 5 compartments wide
- 5-pin cylinder cam lock with 2 keys
- Clear plastic number slots
- Anodized aluminum finish
- Recess-mounted only

#### OPTIONAL FEATURES

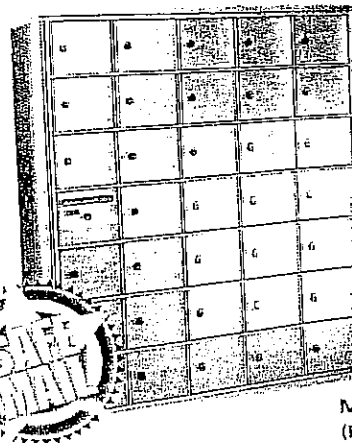
- Matching snap-on trim kit
- 5/8"-high engraved numbers with or without black fill numbers
- Engraved tabs for number slots

#### USPS APPROVED

- Auth-Florence Horizontal Mailboxes are approved by the United States Postal Service to Standard 4B+



**Model 1400  
(Front-loading)**



**Model 2600F  
(Front-loading)**

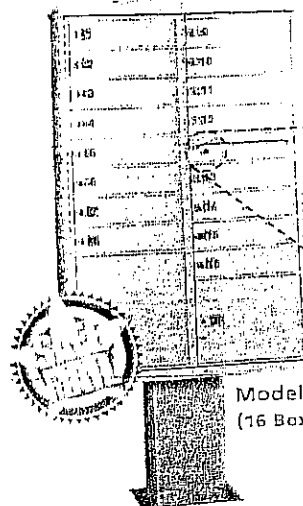
### 1575 *cluster box units* (original 1118-E USPS Spec)

#### STANDARD FEATURES

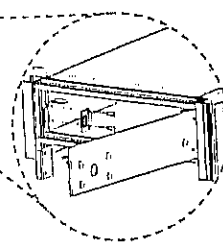
- Units available in 8, 12, 13, or 16 mail compartment configurations, with 1 or 2 parcel lockers available
- 5-pin cylinder cam locks with 2 keys
- 15-1/2" deep compartments
- Powder Coat Gray finish

#### HIGH LEVEL OF SECURITY

- .100" thick welded aluminum protective outer cabinet
- .125" - .250" thick aluminum doors
- 5-pin cam locks with spring loaded covers



**Model 1575  
(16 Box Unit)**



Kit replaces  
existing Arrow  
Lock Door

#### Security Upgrade Approval Status

USPS Approval	Model Number
✓	1250
✓	1400
✓	1403
✓	1575 (type I)
✓	1575 (type II)
✓	1575 (type III)
✓	1575 (type IV)



# AF

**Auth-Florence  
Manufacturing**

5991 Corporate Drive, Manhattan, KS 66502  
Phone: 800-273-1747 • Fax: 800-273-5081  
Web: [www.auth-florence.com](http://www.auth-florence.com)

**A USPS STRATEGIC PARTNER**

**NEW FOR 2005**

## ■ Durable, Multi-Compartment Mailboxes For Apartments & Commercial Applications *Auth-Florence Outdoor Centralized Mail Delivery (1565 Series)*

AF is proud to announce its new High Security Cluster Box Unit. This centralized mail delivery system greatly improves the security of personalized mail delivery. For more info on Safe Mail products, visit [www.auth-florence.com](http://www.auth-florence.com).

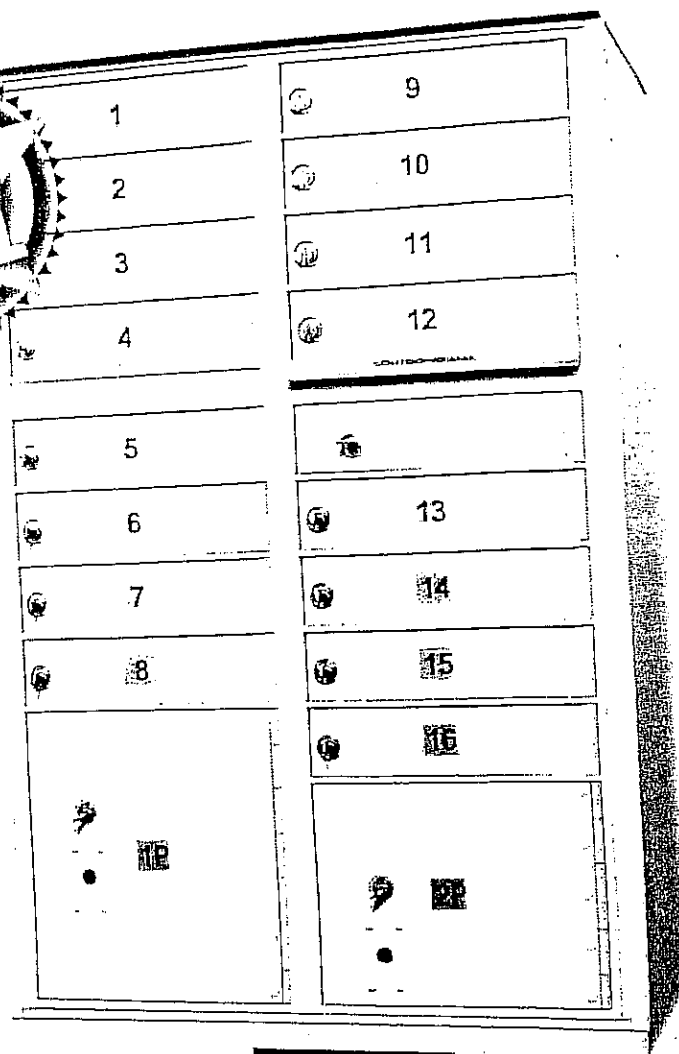
### NEW High Security CBU

#### PROVIDING THE HIGHEST LEVEL OF SECURITY:

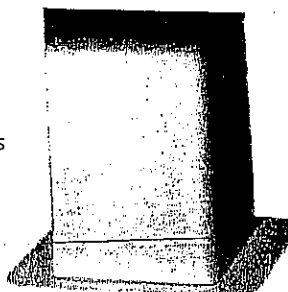
- Thicker and stronger outer cabinet materials
- Aircraft aluminum doors
- New USPS-1172 HS 910 customer locks with 3/16" stainless cam
- Stainless steel pedestal
- Robust parcel door hinge interlocking with master loading door frame
- Heavy duty fasteners
- 1/4" stainless steel hinge rod in all doors

#### SUPERIOR DURABILITY:

- Reinforced collection door
- Strengthened parcel and customer hook cam engagement
- Heavy duty master loading door hooks on both master loading doors



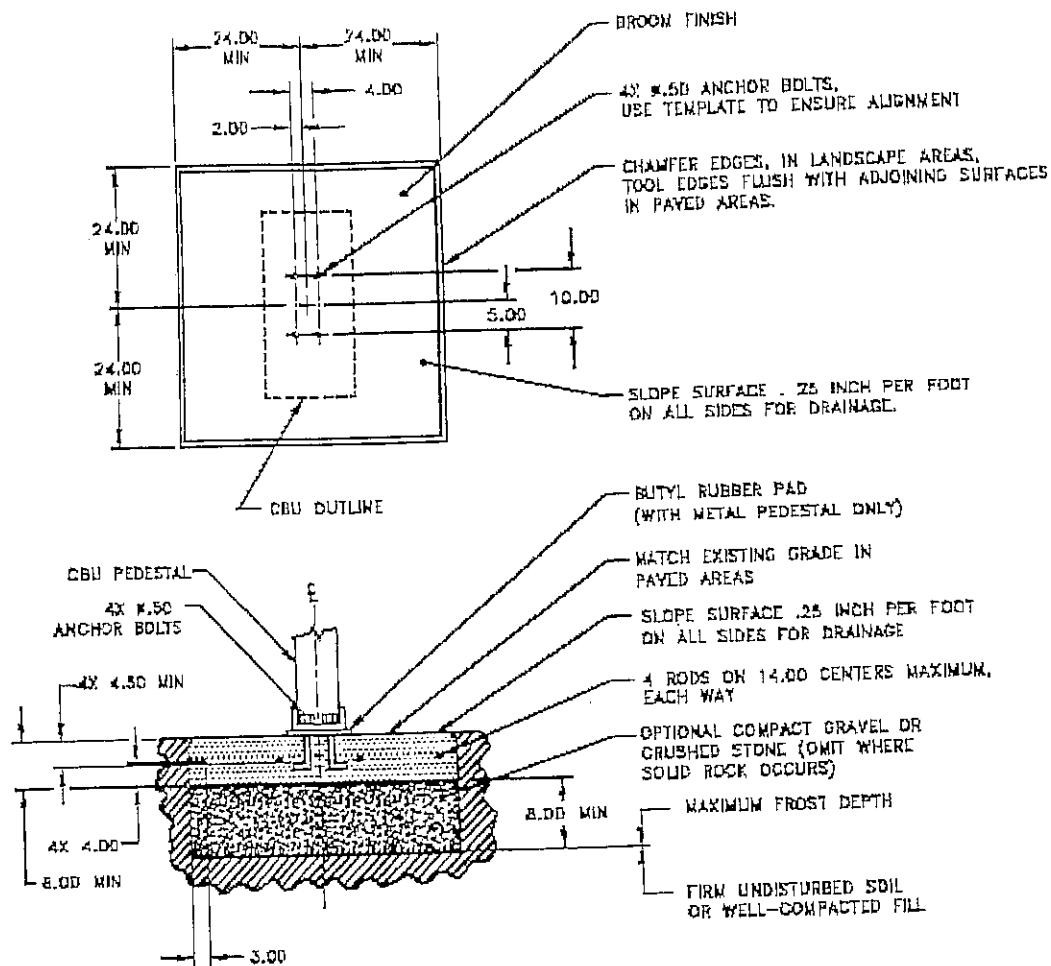
Type III  
16 Tenant  
Compartments  
2 Parcel Lockers



**USPS  
APPROVED**



**USPS HIGH SECURITY**

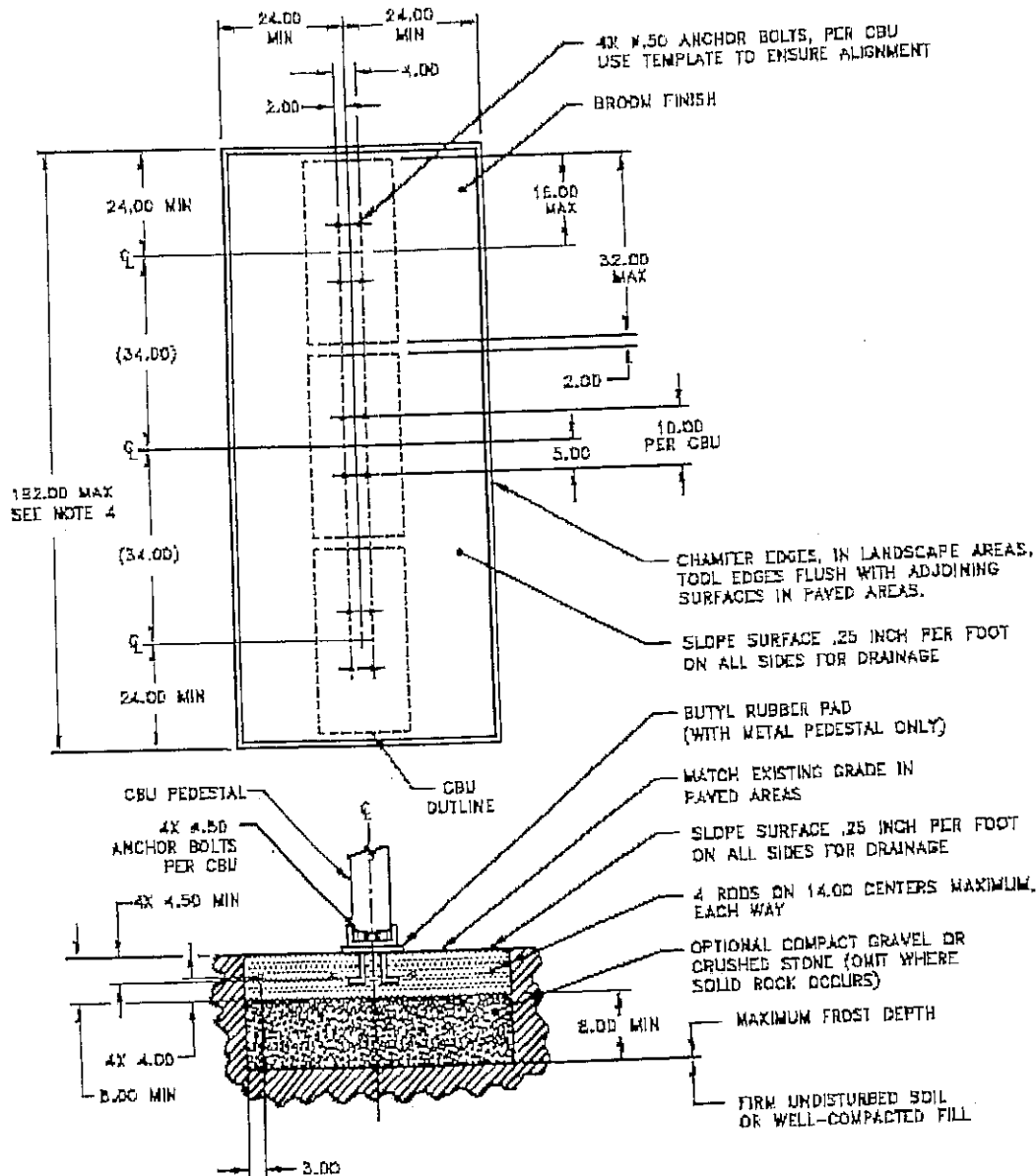


## NOTES:

1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS, CONTAIN 4% MIN - 6% MAX AIR ENTRAINMENT AND BE PLACED WITH A 3.50 - 4.50 SLUMP IN ACCORDANCE WITH ACI 301.
2. REINFORCING STEEL RODS SHALL CONFORM TO ASTM A615, GRADE 60.
3. ANCHOR BOLTS SHALL CONFORM TO ASTM A193, GRADE B8M, TYPE 316 STAINLESS STEEL.

## Single Unit Standard Base Detail





## NOTES:

1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS, CONTAIN 4% MIN - 8% MAX AIR ENTRAINMENT AND BE PLACED WITH A 2.50 - 4.50 SLUMP IN ACCORDANCE WITH ACI 301.
2. REINFORCING STEEL RODS SHALL CONFORM TO ASTM A615, GRADE 60.
3. ANCHOR BOLTS SHALL CONFORM TO ASTM A193, GRADE B8M, TYPE 316 STAINLESS STEEL.
4. A 3 CBU CONFIGURATION IS DEPICTED. A 2 OR 4 CBU CONFIGURATION MAY BE USED AS LONG AS THEY ARE ARRANGED IN GROUPS SUCH THAT THE OVERALL DIMENSION OF THE CONCRETE BASE DOES NOT EXCEED 182 INCHES.

Multiple Unit Standard Base Detail

# EXHIBIT A-7

chments\RCEH suff checklist 051106  
 OCT 11 2006  
 EC-06-10-1711

Savannah County Planning Dept

## SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: MAPLE GROVE COMMERCIAL PARK

Subdivider/Landowner Name(s): IAN NORTHCOFF

Consultant Name: ENGINEERING & CONSULTING

Date Received: 10-26-06 Sufficiency Review Due Date: \_\_\_\_\_

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEH for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

Yes	No	N/A	Item	Additional Information/Staff comments
✓			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
✓			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
✓			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
✓			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
✓			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
✓			(i) obtained from well logs or testing of onsite or nearby wells;	
✓			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
✓			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
✓			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
✓			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

*Morgan Jewell 03*

**EXHIBIT A-8****Jennifer Degroot**

**From:** Renee Van Hoven  
**Sent:** Tuesday, August 14, 2007 10:22 AM  
**To:** Jennifer Degroot  
**Subject:** FW: maple grove commercial park

---

**From:** David Ohnstad  
**Sent:** Tuesday, August 14, 2007 10:17 AM  
**To:** Renee Van Hoven  
**Cc:** 'John Horat'  
**Subject:** RE: maple grove commercial park

Good Morning –

To clarify the following e-mail message – the design submitted for this project is accepted as meeting the adopted county roadway design standards. While this is not a typical “roadway”, the design incorporates the same design criteria as a roadway. The typical cross section (structural elements) submitted would be substantiated through pavement design (final design), just as with a roadway, and the geometric elements are addressed in the elevation and storm drainage design.

David

---

**From:** David Ohnstad  
**Sent:** Friday, July 06, 2007 3:10 PM  
**To:** Jennifer Degroot  
**Cc:** Renee Van Hoven; 'John Horat'  
**Subject:** RE: maple grove commercial park

Jennifer -

We have received the information requested below and have completed our review.

We will approve the design as submitted.

An approval letter, along with the design materials, will be forwarded next week.

David

---

**From:** David Ohnstad  
**Sent:** Thursday, April 12, 2007 8:00 AM  
**To:** Jennifer Degroot  
**Cc:** Renee Van Hoven; 'John Horat'  
**Subject:** maple grove commercial park

Jennifer -

I have reviewed the information you sent regarding the Maple Grove Commercial Park and have discussed the issue with John Horat at Bitterroot Engineering. I believe it would be reasonable to have John submit an abbreviated drainage plan identifying the direction of flow, approximate grade(s) and collection and discharge

8/14/2007

point(s), along with a typical cross-section of the parking/driveway areas. With that submitted for review, we would not oppose the granting of the requested variance.

David

8/14/2007